IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

CARLOS ROGELIO RODRIGUEZ,    )
                             )
            Petitioner,      )
                             )
vs.                          )          Case No. 2:13-cv-00735-AKK-TMP
                             )
IMMIGRATION CUSTOMS          )
ENFORCEMENT,                 )
                             )
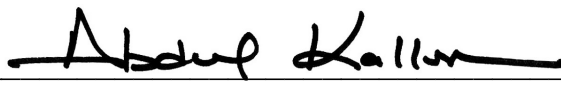            Respondent.      )

## MEMORANDUM OPINION

The petitioner, Carlos Rogelio Rodriguez, filed his action for *habeas corpus*

relief under 28 U.S.C. § 2241 on April 16, 2013.  (Doc. 1).  Petitioner neither paid

the required filing fee, nor filed an application to proceed *in forma pauperis*.  In an

order dated November 7, 2013, the magistrate judge ordered the petitioner to

correct his deficient pleading within 30 days by either filing an application to

proceed *in forma pauperis* or by paying the filing fee of $5.00.  (Doc. 4).  The

order and an application to proceed *in forma pauperis* were mailed to the

petitioner on that same day.  Upon the expiration of 30 days, no response had been

filed by the petitioner.

The magistrate judge filed a second order, dated December 13, 2013,

ordering the petitioner to correct his deficient pleading within 30 days by either

filing an application to proceed *in forma pauperis* or by paying the filing fee of

$5.00.  (Doc. 5).  On that same day, the order and an application to proceed *in*

*forma pauperis* were mailed to the petitioner.  Both orders advised the petitioner

that if he failed to correct his deficient pleading within 30 days, the court may

dismiss this case for want of prosecution pursuant to Federal Rule of Civil

Procedure 41(b).

The court has allowed the petitioner over 60 days to correct his deficient

pleading, with no response from the petitioner.  Accordingly, this action for

*habeas corpus* relief under 28 U.S.C. § 2241 in the above-styled cause is due to be

DENIED and DISMISSED WITHOUT PREJUDICE for want of prosecution

pursuant to Federal Rule of Civil Procedure 41(b).  A corresponding order shall be

entered contemporaneously herewith.

DONE and ORDERED this 23rd day of January, 2014.

**ABDUL K. KALLON**
UNITED STATES DISTRICT JUDGE